

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2005 PLANNING COMMISSION MEETING

**PROJECT #:** Special Permit No. 05022

**PROPOSAL:** The applicant is requesting a special permit to operate a rock crusher to recycle concrete and asphalt.

**LOCATION:** 3900 Industrial Dr.; southeast of Dan Ave. and Industrial Ave.

**LAND AREA:** Approximately 18.5 acres

**CONCLUSION:** The proposed use is in conformance with the comprehensive plan and zoning ordinance.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 2, Northwestern Metal Addition, located in the NW 1/4 of Section 7, Township 10 North, Range 7 East, Lancaster County, NE

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Industrial

### **SURROUNDING LAND USE AND ZONING:**

North:	I-1 Industrial	Industrial
South:	I-1 Industrial	Salt Creek
	B-5 Regional Business	Commercial/Retail property south of Salt Creek
East:	I-1 Industrial	Bike path and open space.
West:	I-1 Industrial	Industrial

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Watershed planning will continue in order to be proactive and integrate stewardship principles for land conservation, stream and wetland buffers, better site design, Best Management Practices (BMP) and erosion and sediment control. The natural drainage system can serve multiple benefits, including wildlife habitat and recreation. (F-79)

Best Management Practices (BMP) are defined as measures that remove or prevent pollutants from entering stormwater. Examples of BMP include stabilizing all areas disturbed during construction and preserving natural drainageways. It is the City's policy to encourage the use of BMP in new development and redevelopment. (F-79)

Bicycles can play an important role in the community by providing a healthy alternative to the automobile, reducing traffic congestion, improving air quality, and creating a more balanced transportation system. (F-93)

Improvement to existing street and trail facilities that are presently suitable for bicycles, and the development of an expanded system of bicycle-friendly roads and trails for the City of Lincoln and Lancaster County's future have been expressed as strong community goals. This is emphasized by the Pedestrian and Bicycle Workshop Vision Statement: "Elevate status of pedestrians and bicyclists in the community to be an integral part of the Transportation Plan." (F-93)

## **HISTORY:**

**February 27, 1991** Administrative Amendment #900067 to change the boundary of Special Permit #212 to only include Lot 2, Northwestern Metal Addition was approved by the Planning Director.

**August 1961** Special Permit 212 to occupy and use the premise for smelting, auto wrecking and salvage was approved by City Council.

This area changed from "L" Heavy Industrial District to I-1, Industrial in the 1979 Zoning update.

**TRAFFIC ANALYSIS:** Dan Ave. and Industrial Ave. are local commercial streets. N. 27<sup>th</sup> St., an arterial, is located one block west of Industrial Ave.

## **ENVIRONMENTAL CONCERNS:**

The entire site is within the 100-year flood plain. Dust control is another environmental concern. A bike path abuts the property on the east. Salt Creek is also in the immediate vicinity.

## **ANALYSIS:**

1. This is a request to operate a rock crusher to recycle concrete and asphalt.
2. The entire site is located within the 100-year flood plain. The applicant will need an approved Flood Plain Development Permit for the storage of material in the flood plain and comply with all relevant provisions of Lincoln Municipal Code 27.52.

3. The Lincoln-Lancaster County Health Department notes that the applicant must take measures to control dust. This is especially important since there is a bike path adjacent to the east and south boundary of the site.
4. The applicant's letter states that the rock crusher has a dust control system in place.
5. The Parks and Recreation Department has requested that screening be installed along the east and south boundary of the site. Although there are screening requirements for salvage yards, even in this situation where the surrounding land is also zoned industrial, there is no requirement for screening associated with a rock crusher, or with other uses permitted in the I-1 District that include unsightly outdoor storage and activity. While understanding the concerns of the Parks and Recreation Department, Planning staff does not agree that the applicant should be responsible for screening the proposed activity when the trail was knowingly installed thru the middle of an I-1 district.
6. The crushed rock and asphalt are not salvage material as defined in Chapter 5.41, Salvaging, Recycling and Composting Operations.

**CONDITIONS:**

Site Specific:

1. This approval permits a rock crusher to recycle concrete and asphalt.
  - 1.1 Identify the location of the rock crusher on the site plan. The rock crusher must be a minimum of 100' from the boundary of the site.

General:

2. Before operating the rock crusher:
  - 2.1 The construction plans comply with the approved plans.
  - 2.2 An approved Flood Plain Development Permit for the storage of material in the flood plain.
  - 2.3 An approved section 404 permit from the U.S. Army Corps of Engineers or a letter stating that a 404 permit is not required.
  - 2.4 Special Permit #212 must be rescinded or the boundary reduced in size to accommodate the rock crusher.

3. The rock crusher must, at all times, be in compliance with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32-Dust-Duty to Prevent Escape of Dust.
4. The rock crusher must, at all times, be located a minimum of 100' from the boundary of the site.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
  - 3.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Tom Cajka  
Planner

**DATE:** May 12, 2005

**APPLICANT:** Sanford and Son LLC  
3801 Union Dr. #102  
Lincoln, NE 68516

**OWNER:** same as applicant

**CONTACT:** Bob Lewis  
3801 Union Dr. #102  
Lincoln, NE 68516  
(402) 434-5650



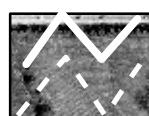
2002 aerial

## Special Permit #05022 N. 27th & Old Dairy Rd.

### Zoning:

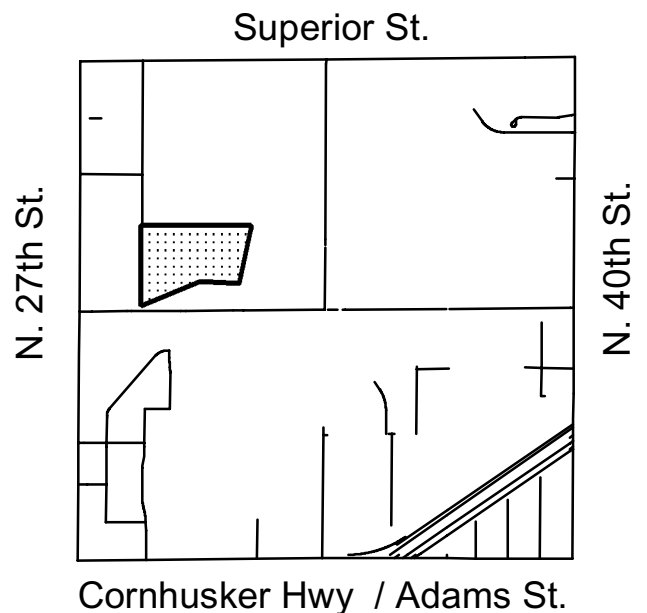
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 7 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

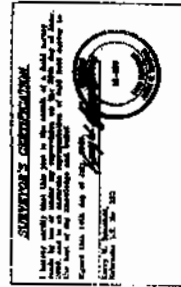


# TOPOGRAPHIC & BOUNDARY SURVEY

TOPOGRAPHIC & BOUNDARY SURVEY  
CEGA Services Inc.

ALLIARD SURVEYING & MAPPING, INC.  
Lincoln, Nebraska 68510  
Phone (402) 434-2500 Fax (402) 434-2007

DATE 7/10/05  
REVISED DATE

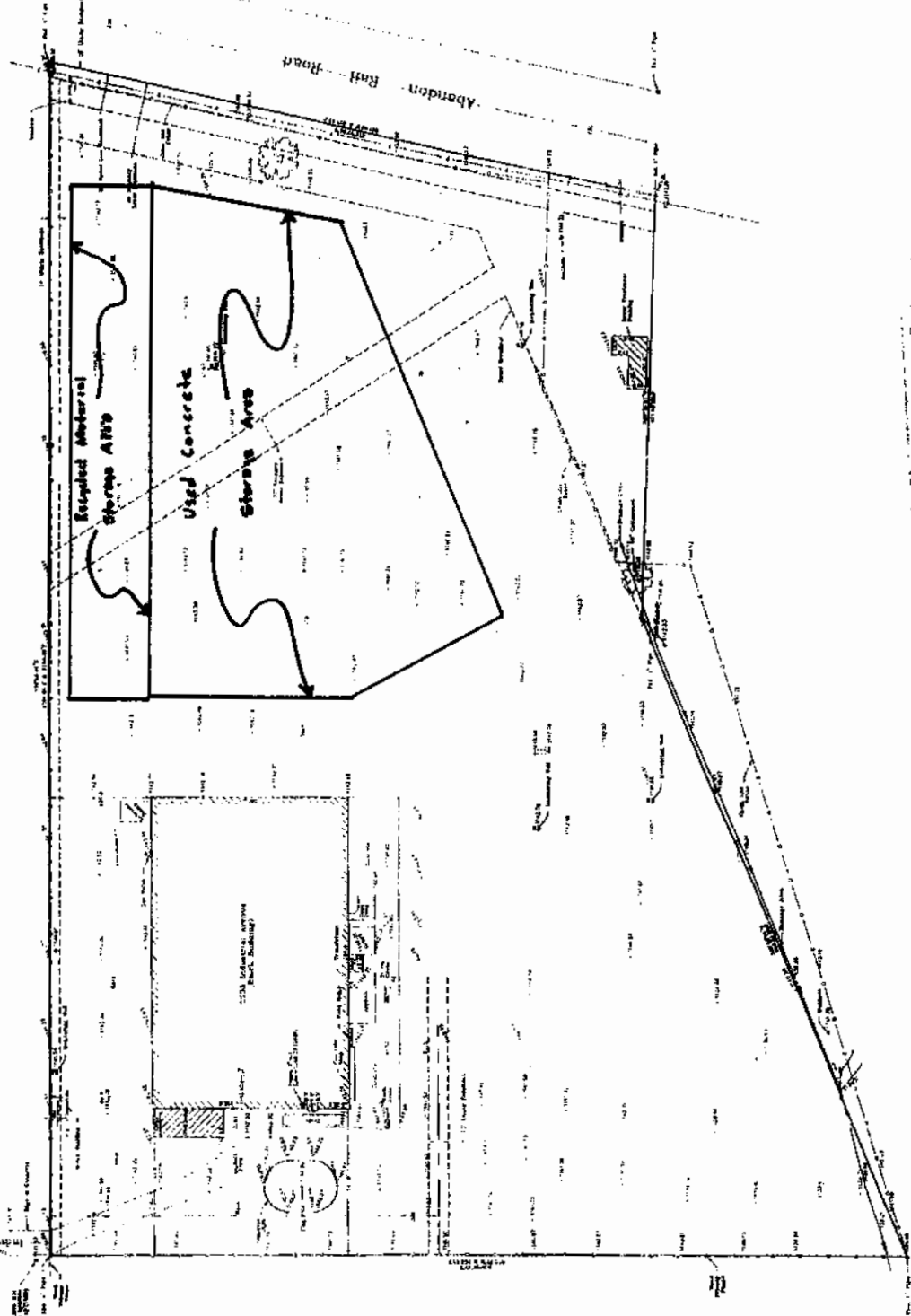


**LEGAL DESCRIPTION**  
Lot 1, Block 1, Subdivision 1, Section 1, Township 1, Range 1, County 1, State of Nebraska.

**RANGE FROM ELEVATION**  
All elevations are based on the National Mean Sea Level Datum.

**ENCLOSURE INFORMATION**  
This survey was conducted in accordance with the Nebraska Surveying Act, Chapter 48, Nebraska Revised Statutes, and the American Society of Civil Engineers (ASCE) Standard for Professional Surveying, 1.1-1.10.

**LEGEND**  
Surveyed Boundary  
Unsurveyed Boundary  
Property Line  
Easement  
Right of Way  
Water Body  
Road  
Fence  
Other



CEGA

APR 27 2005


PLANNING DEPARTMENT

## Interdepartmental Communication

To: Tom Cajka

Date: May 3, 2005

Department: Planning Department

From: Lana Tolbert 

Regarding: Special Permit #SP05022  
3900 Industrial Ave

Department: Building and Safety

At your request the Department of Building and Safety has completed its review of the plans submitted with the Special Permit request for a rock crusher plant located at 3900 Industrial Ave. As noted in the applicant's letter the site is in the FEMA 100 year floodplain. The site plan shows two areas designated for storage, one for used concrete and the other for recycled material. The Department of Building and Safety offers the following observations for your consideration:

- The applicant will need a Flood Plain Development Permit for the storage of material in the floodplain.
- For the Flood Plain Development Permit to be approved the applicant will need to demonstrate how the development complies with Sections 27.52.030 (a) (7) & (8).
- If the rock crusher operation is a change in use the applicant will also need a Change of Occupancy Certificate issued by our office.

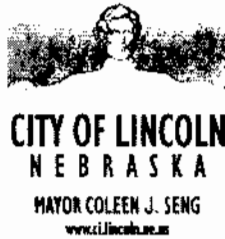
**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Tom Cajka                      **DATE:** May 10, 2005  
**DEPARTMENT:** Planning              **FROM:** Chris Schroeder  
**ATTENTION:**                      **DEPARTMENT:** Health  
**CARBONS TO:** EH File                      **SUBJECT:** Sanford and Son,  
EH Administration                      Rock Crushing  
SP #05022

The Lincoln-Lancaster County Health Department has reviewed the special permit application with the following noted:

- The applicant must, at all times, be in compliance with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32- Dust - Duty to Prevent Escape Of. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage.





**PUBLIC WORKS AND  
UTILITIES DEPARTMENT**

**MEMORANDUM**

**Date:** 5/9/05

**To:** Tom Cajka, Planning Department

**From:** John Callen, Watershed Management

**Subject:** *Sanford and Son Rock Crushing review comments, SP05022*

**cc:** *Ben Higgins, Dennis Bartels, Chad Blahak*

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Below are Watershed Management's comments regarding the Sanford and Son Rock Crushing Special Permit request (SP05022):

1. Applicant must apply for a Floodplain permit prior to completing proposed work and must comply with all relevant provisions of Lincoln Municipal Code 27.52. In particular, sections 27.52.030 (7) and (8) concerning storage and processing of materials in the floodplain must be complied with.
2. Prior to completing the proposed work, applicant must obtain applicable section 404 permits from the U.S. Army Corps of Engineers, or obtain a letter stating that a 404 permit is not required for this proposed work.

# M e m o r a n d u m

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**To:** Tom Cajka, Planning Department

**From:** Chad Blahak, Public Works and Utilities  
Dennis Bartels Public Works and Utilities

**Subject:** Sanford and Son Rock Crushing Special Permit #05022

**Date:** May 11, 2005

**cc:**

Engineering Services has reviewed the submitted plans for the Sanford and Son Rock Crushing Special Permit located near North 39<sup>th</sup> Street and Industrial Avenue, and finds the plans satisfactory contingent on satisfying the comments from Watershed Management.

# Memo

**To: Tom Cajka, Planning Department**

**From: Mark Canney, Parks & Recreation**

**Date: October 12, 2004 (Revised November 10, 2004)**

**Re: Sanford and Son Rock Crushing SP05022**

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. An adjoining public use trail and outdoor storage are incompatible uses.
2. Solid screening will be required including a minimum of an 8' fence and a minimum of 25' in height vegetative screen.
3. Screening needs to occur on the south and east perimeters.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



Stone Bridge Creek  
Williamsburg Village

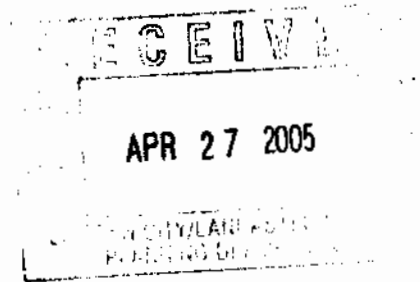
North Creek  
Ridge Pointe

Vintage Heights  
Thompson Creek

**Dedicated to creating the finest neighborhoods.**

April 25, 2005

Mr. Marvin Krout  
Planning Director  
Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln NE 68508



Re: Special Permit 3900 Industrial Ave.

Dear Marvin,

Sanford & Son L.L.C. would like to apply for a special permit at 3900 Industrial Ave. to operate a rock crusher to recycle concrete and asphalt. This site was previously used as a scrap yard until 2001. Some facts about the site:

- The site is located on the north side of salt creek and is in the 100 year floodplain.
- The property is zoned I-1.
- The closest residential zoning is 1000 feet to the west
- The property is completely surrounded by I-1 zoning
- The property has access to Industrial Ave.
- This site surface drains to a storm sewer system that flows into salt creek.
- The site is served by public utilities.

We are currently working with the department of environmental quality to clean up the site for future development.

The rock crusher that will be used for this site is a portable unit and has a dust control system in place.

Thank you for your consideration of this Special Permit.

Sincerely,

Bob Lewis

Enclosures: 24 full size copies of a site plan  
Application for Special Permit  
Application fees of \$740.00  
Certificate of ownership

**Hampton Development Services, Inc.**

3801 Union Drive, Suite 102 ♦ Lincoln, Nebraska 68516

Office: (402) 434-5650 ♦ FAX: (402) 434-5654

Email: [hds@hamptonlots.com](mailto:hds@hamptonlots.com) ♦ Web Site: [www.hamptonlots.com](http://www.hamptonlots.com)